

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07535

Priority: October 29, 2009

Maximum Diversion Rate: 0.03 CFS

This is to certify, that BOB A SANDAU
1090 DAY RD
COEUR D ALENE ID 83815
(208) 664-9311

has applied for a permit to appropriate water from:

Source: NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	06/01 to 08/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

NORTH FORK COEUR D ALENE RIVER, L4 (NE1/4NW1/4), Sec. 21, Twp 50N, Rge 04E, B.M.
SHOSHONE County

PLACE OF USE: IRRIGATION

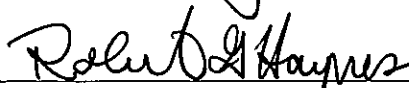
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	04E	21					1.0												1.0
							L 4												

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2016**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. This right does not grant any right-of-way or easement across the land of another.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Cataldo gauging station, No. 12413500, may be used for purposes of determining the daily flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 2nd day of February, 2011.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 2, 2011

BOB A SANDAU
1090 DAY RD
COEUR D ALENE ID 83815

RE: Permit No.94-7535

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent and the last name "Franklin" following in a similar style. The signature is written over the printed name "Keith E. Franklin".

Sr. Water Resource Agent

Enclosure(s)

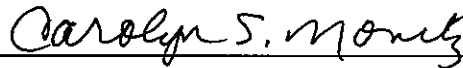
CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-7535

**BOB A SANDAU
1090 DAY RD
COEUR D ALENE ID 83815**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 94-7535

APPLICATION ID # 76076

ENT. 10/29 BCA 12/9

OK to Publish 12/9/09

APPLICANT: Bob A. Sandau

INITIAL REVIEW

BY: KJ

DATE: 10/29/2009

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 10/29 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 10/29/2009

☐ (Include Moratorium Remark)
☐ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Shoshone County
Newspaper: Shoshone NP
Dates scheduled for publication 12/17-24/09
Affidavit of Publication received: 12/21/09
Dates actually published: 12/17-24/09
Application published correctly. Yes ✓ No ✓
If not, action taken: _____

Final Date for Protest: 1/4/10

Protests Received: Yes _____ No ✓

LETTERS SENT REQUESTING:

- ☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

- ☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y() N()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☐ Notice of pending void order issued.
- ☐ Further information required from applicant _____

Final order response date: ____/____/____

- ☐ Measuring device required
- ☐ Measuring port required
- ☒ Special conditions: Fish 1/4 inch Screen Min. Stream Flow Cda River
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

[Signature]
Beth St. Sandau

Date: 1/15/2010 Sr. Agent initial

E.D.
KJ

RECEIVED

DEC 31 2009

AFFIDAVIT OF PUBLICATION

IDWR / NORTH

STATE OF IDAHO, } ss.
County of Shoshone

Angela Abbott being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 17th day of December, 20 09, and such publication was made as often during said period as said Daily newspaper was regularly issued.

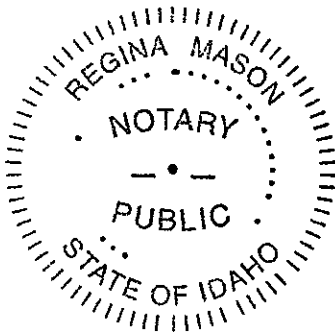
4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.

On this 24th day of December in the year of 2009, before me, a Notary Public, personally appeared Angela Abbott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason
Notary Public for the State of Idaho

residing in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 6/18/15



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7193

ROBERT H MC CALL
PAULA K MC CALL
18511 N CIRCLE S TRAIL
RATHDRUM, ID 83858

Point of Diversion L3(NENW) S6 T45N R02E SHOSHONE CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 9/8/2009

Place Of Use: DOMESTIC
T45N R02E S6 L3(NENW)
T46N R02E S31 SESW

Domestic use is for 1 RV site

94-7528

J. CHRIS PFAHL

DAVID H RUST

PO BOX 438

WALLACE, ID 83873-0438

Point of Diversion SESWSW S30 T48N R05E SHOSHONE CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.06 CFS

Date Filed: 8/17/2009

Place Of Use: DOMESTIC
T48N R04E S25 SESE
T48N R05E S30 SWSW
Place Of Use: COMMERCIAL
T48N R05E S30 SWSW

Domestic use is for 1 duplex.

Commercial use is for house log manufacturing plant.

94-7535

BOB A SANDAU

1090 DAY RD

COEUR D ALENE, ID 83815

Point of Diversion L4(NENW) S21 T50N R04E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

Use: IRRIGATION 06/01 to 08/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 10/29/2009

Place Of Use: IRRIGATION T50N R04E S21 L4(NENW)

Total Acres: 1

94-7537

RIVER RUN LANDOWNERS ASSN

3625 HIGHLAND DR

COEUR D ALENE, ID 83815

Point of Diversion L6(SWSE) S25 T50N R03E SHOSHONE CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.15 CFS
Use: DOMESTIC 01/01 to 12/31 0.18 CFS
Total Diversion: 0.2 CFS

Date Filed: 11/18/2009

Place Of Use: DOMESTIC
T50N R03E S25 L6(SWSE) L8(SESE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 7.5

Domestic use is for 15 recreational lots.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 1/4/2010. The protestant must also send a copy of the protest to the applicant.

SHO Legal 722

December 17, 24, 2009

GARY SPACKMAN, Interim Director

RECEIVED
DEC 31 2009
IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7193

ROBERT H MC CALL

PAULA K MC CALL

18511 N CIRCLE S TRAIL

RATHDRUM, ID 83858

Point of Diversion L3(NENW) S6 T45N R02E SHOSHONE CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/8/2009

Place Of Use: DOMESTIC

T45N R02E S6 L3(NENW)

T46N R02E S31 SESE

Domestic use is for 1 RV site

94-7528

J. CHRIS PFAHL

DAVID H RUST

PO BOX 438

WALLACE, ID 83873-0438

Point of Diversion SESWSW S30 T48N R05E SHOSHONE CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.02 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 8/17/2009

Place Of Use: DOMESTIC

T48N R04E S25 SESE

T48N R05E S30 SWSW

Place Of Use: COMMERCIAL

T48N R05E S30 SWSW

Domestic use is for 1 duplex.

Commercial use is for house log manufacturing plant.

94-7535

BOB A SANDAU

1090 DAY RD

COEUR D ALENE, ID 83815

Point of Diversion L4(NENW) S21 T50N R04E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

Use: IRRIGATION 06/01 to 08/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 10/29/2009

Place Of Use: IRRIGATION T50N R04E S21 L4(NENW)

Total Acres: 1

94-7537

RIVER RUN LANDOWNERS ASSN

3625 HIGHLAND DR

COEUR D ALENE, ID 83815

Point of Diversion L6(SWSE) S25 T50N R03E SHOSHONE CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.15 CFS

Use: DOMESTIC 01/01 to 12/31 0.18 CFS

Total Diversion: 0.2 CFS

Date Filed: 11/18/2009

Place Of Use: DOMESTIC

T50N R03E S25 L6(SWSE) L8(SESE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 7.5

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Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 1/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 12/17/2009 and 12/24/2009

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 09, 2009 2:02 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices-Shoshone NP Billing
Subject: Application for Permit No. 91-7193, 94-7528, 94-7535, 94-7537
Attachments: LegalNotice 12-09-09 NP e-mail 91-7192, 94-7528,35,37.doc

Good afternoon, Angie,

I trust you are all ready for Christmas. I sure wish I was, but I'm about 2 months behind right now. I have discovered that wishing doesn't make it so! ;-)

Please publish the enclosed legal notice on the dates indicated, December 17 and 24, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review, before this acutally goes to press.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/4/2010. Your cooperation is greatly appreciated.

If you have ANY questions, please call me or reply to this e-mail.



LegalNotice
12-09-09 NP e-mail..

Thank you very much for your help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 09, 2009 2:30 PM
To: 'ccampbell@shoshonenewspress.com'
Subject: FW: Application for Permit No. 91-7193, 94-7528, 94-7535, 94-7537

Attachments: LegalNotice 12-09-09 NP e-mail 91-7192, 94-7528,35,37.doc

Forwarding a copy of this to you also FYI - so you will know what we are doing and requesting.

Thank you,

Don't count the days, let the days count.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

From: Ball, Dianne
Sent: Wednesday, December 09, 2009 2:02 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices-Shoshone NP Billing
Subject: Application for Permit No. 91-7193, 94-7528, 94-7535, 94-7537

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If you have ANY questions, please call me or reply to this e-mail.



LegalNotice
12-09-09 NP e-mail..

Thank you very much for your help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 09, 2009 10:24 AM
To: mary.terra-berns@idfg.idaho.gov; jbenett@idl.idaho.gov; cwashburn@idl.idaho.gov
Subject: Application for Permit No. 91-7193 McCall - St Joe River and Application for Permit No. 94-7535 Sandau - N Fk CDA River

Attachments: 91-7193 McCall.pdf; 94-7535 Sandau.pdf

Dear Interested Parties:

Jim and Carl - I'm not sure which of you would handle the N Fk of the CDA River, but I think one of you handles that. If not - will you please send this on to whomever would cover that. Thanks.

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.



91-7193 McCall.pdf
(541 KB)



94-7535
Sandau.pdf (185 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Proposed publication dates for these in the Shoshone News Press will be December 17 and 24, 2009 with final date for protest being January 4, 2010.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 9, 2009

BOB A SANDAU
1090 DAY RD
COEUR D ALENE, ID 83815

Application For Permit No. 94-7535

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the SHOSHONE NEWS PRESS on 12/17/2009 and 12/24/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Enclosure(s)



RECEIVED
DEC 24 2009
IDWR/NORTH

IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
December 22, 2009 Cal Groen/Director

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Keith:

REFERENCE: SANDAU: 94-7535

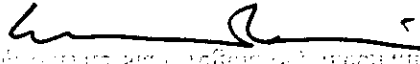
We have reviewed the above-named application by Bob Sandau to divert 0.03 cfs from the North Fork Coeur d'Alene River for irrigation.

The North Fork Coeur d'Alene River is managed by IDFG as a quality westslope cutthroat trout fishery and it is very popular with sport fishing angler. This system is an important component of westslope cutthroat trout habitat range-wide. Several research and restoration projects have been and are currently being conducted on the North Fork and the Little North Fork Coeur d'Alene Rivers. Idaho and neighboring states (MT/WA/OR) have recently fended off a listing of westslope cutthroat under the Endangered Species Act by demonstrating that healthy populations and habitat exist in places like the North Fork Coeur d'Alene River, and that the appropriate state regulatory mechanisms are in place to protect them.

Although the amount requested in this particular application is small (0.03 cfs), we are concerned that the cumulative effects of property owners applying for diversions may be harmful to this economically and ecologically important fishery. There is a minimum stream flow on the Coeur d'Alene River (WR 94-7341) of 1018.0 cfs from November 1 through June 30, and 413.0 cfs from July 1 to October 31. The applicant should be made aware that their diversion cannot negatively impact the established minimum flow in the Coeur d'Alene River. Because water right diversions allow water users to manipulate streams, we recommend this permit be conditioned to require no disturbance to the stream channel. If pumps are used, they should be adequately screened to prevent entrainment and /or impingement of juvenile trout (we recommend ≤ 0.25 " mesh, with approach velocity of ≤ 0.5 feet per second).

Thank you for your attention to this matter.

Sincerely,


Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise
File: IDWR Sandau 94-7535

Keeping Idaho's Wildlife Heritage